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Response

# 11

5/14/02  
FAX RECEIVED3/15/02  
FEB 15 2002

GROUP 3700

February 14, 2002 Time: 11:40 am. (Edina, Minn.CST)

TO: Ms. Burnell Ross

FROM: Mark A. Litman

Applicant: Michael Martinek et al.

Examiner: S. Ashburn

Serial No.: 09/520,405

Group Art Unit: 3713

Filed: March 8, 2000

Docket: PA0390.ap.US

Title: COMPUTERIZED GAMING SYSTEM, METHOD AND APPARATUS

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305.3576

Document(s) Transmitted: Two (2) pages of Correspondence

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THE EXAMINER IS RESPECTFULLY REQUESTED TO REVIEW THE SPECIFIC RESPONSE, AND CALL THE ATTORNEY OF RECORD IF THERE ARE ANY QUESTIONS.

By: Mark A. Litman

Name: Mark A. Litman

Reg. No.: Reg. No. 26,390

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

FEBRUARY 14, 2002

Mark A. Litman

Date of Transmission

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Michael G. Martinek et al. Examiner: S. Ashburn  
Serial No. 09/ 520,405 Group Art Unit: 3713  
Filed: March 8, 2000 Docket No. PA0390.ap.US  
Title: COMPUTERIZED GAMING SYSTEM METHOD AND APPARATUS

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**COMMUNICATION RE: PAST AMENDMENT – COMPLIANCE WITH 37 CFR 1.121**

Attn: MS. BURNELL ROSS 703.305.3599  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Ms. Ross:

This Correspondence is being filed in response to your telephone inquiry of February 14, 2002 regarding compliance of the Amendment dated December 18, 2001, which you indicated was received by your Group on January 23, 2002.

**BASIS OF INQUIRY**

In a telephone communication to this Office from Ms. Burnell Ross of the US Patent and Trademark Office, compliance of the Amendment was questioned with regard to 37 CFR 1.121. Specifically, it was stated that the IN THE CLAIMS section did not show hand-entered amendments to the claims, even though clean copies of the amended or new claims was provided at the end of the Amendment. Correction was required.

**REMARKS CONCERNING THE AMENDMENT IN RESPONSE TO THE OFFICE ACTION**

In the Office Action mailed on May 22, 2001, the U.S. PTO required Restriction and Election of Ultimate Species to be exercised between claims 1-47, all of the claims in the Application. Solely for the purpose of responding to the Office Action mailed on May 22, 2001 that requires Applicants to elect an ultimate species, Applicants elected, with traverse, the subject matter identified as Species I, a data processor operating system, to be examined on the merits. Claims 1-17, 19, 21-26, 28-37, 39-44 and 47. Applicants submitted additional claims 48-52 in response to that Office Action, and partially traversed the restriction requirement.

In the Office Action dated August 29, 2001, claims 1-51, all of the claims in the Application at that time, were examined and the restriction requirement withdrawn.